



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5645

by Rep. Patricia R. Bellock

#### SYNOPSIS AS INTRODUCED:

720 ILCS 570/406

from Ch. 56 1/2, par. 1406

Amends the Illinois Controlled Substances Act. Provides various penalties for knowingly withholding information from a practitioner from whom a person seeks to obtain a controlled substance or a prescription for a controlled substance. Provides that a health care practitioner with the intent to provide a controlled substance or combination of controlled substances that are not medically necessary to his or her patient or an amount of controlled substances that is not medically necessary for his or her patient, may not provide a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact. Provides that a violation is a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than \$100,000. The fine for each subsequent offense shall not be more than \$200,000.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Controlled Substances Act is  
5 amended by changing Section 406 as follows:

6 (720 ILCS 570/406) (from Ch. 56 1/2, par. 1406)

7 Sec. 406. (a) It is unlawful for any person:

8 (1) who is subject to Article III knowingly to  
9 distribute or dispense a controlled substance in violation  
10 of Sections 308 through 314.5 of this Act; or

11 (2) who is a registrant, to manufacture a controlled  
12 substance not authorized by his or her registration, or to  
13 distribute or dispense a controlled substance not  
14 authorized by his or her registration to another registrant  
15 or other authorized person; or

16 (3) to refuse or fail to make, keep or furnish any  
17 record, notification, order form, statement, invoice or  
18 information required under this Act; or

19 (4) to refuse an entry into any premises for any  
20 inspection authorized by this Act; or

21 (5) knowingly to keep or maintain any store, shop,  
22 warehouse, dwelling, building, vehicle, boat, aircraft, or  
23 other structure or place, which is resorted to by a person

1 unlawfully possessing controlled substances, or which is  
2 used for possessing, manufacturing, dispensing or  
3 distributing controlled substances in violation of this  
4 Act.

5 Any person who violates this subsection (a) is guilty of a  
6 Class A misdemeanor for the first offense and a Class 4 felony  
7 for each subsequent offense. The fine for each subsequent  
8 offense shall not be more than \$100,000. In addition, any  
9 practitioner who is found guilty of violating this subsection  
10 (a) is subject to suspension and revocation of his or her  
11 professional license, in accordance with such procedures as are  
12 provided by law for the taking of disciplinary action with  
13 regard to the license of said practitioner's profession.

14 (b) It is unlawful for any person knowingly:

15 (1) to distribute, as a registrant, a controlled  
16 substance classified in Schedule I or II, except pursuant  
17 to an order form as required by Section 307 of this Act; or

18 (2) to use, in the course of the manufacture or  
19 distribution of a controlled substance, a registration  
20 number which is fictitious, revoked, suspended, or issued  
21 to another person; or

22 (3) to acquire or obtain, or attempt to acquire or  
23 obtain, possession of a controlled substance by  
24 misrepresentation, fraud, forgery, deception or  
25 subterfuge; or

26 (3.1) to withhold information requested from a

1 practitioner, with the intent to obtain a controlled  
2 substance that has not been prescribed, by  
3 misrepresentation, fraud, forgery, deception, subterfuge,  
4 or concealment of a material fact; or

5 (3.2) to withhold information from a practitioner from  
6 whom the person seeks to obtain a controlled substance or a  
7 prescription for a controlled substance that the person  
8 making the request has received a controlled substance or a  
9 prescription for a controlled substance of like  
10 therapeutic use from another practitioner within the  
11 previous 30 days; or

12 (3.3) with the intent to obtain a controlled substance  
13 or combination of controlled substances that are not  
14 medically necessary for the person or an amount of a  
15 controlled substance or substances that is not medically  
16 necessary for the person, obtain or attempt to obtain from  
17 a practitioner a controlled substance or a prescription for  
18 a controlled substance by misrepresentation, fraud,  
19 forgery, deception, subterfuge, or concealment of a  
20 material fact. For purposes of this paragraph (3.3), a  
21 material fact includes whether the person has an existing  
22 prescription for a controlled substance issued for the same  
23 period of time by another practitioner or as described in  
24 paragraph (3.2) of this subsection (b); or

25 (4) to furnish false or fraudulent material  
26 information in, or omit any material information from, any

1 application, report or other document required to be kept  
2 or filed under this Act, or any record required to be kept  
3 by this Act; or

4 (5) to make, distribute or possess any punch, die,  
5 plate, stone or other thing designed to print, imprint or  
6 reproduce the trademark, trade name or other identifying  
7 mark, imprint or device of another, or any likeness of any  
8 of the foregoing, upon any controlled substance or  
9 container or labeling thereof so as to render the drug a  
10 counterfeit substance; or

11 (6) (blank); or

12 (7) (blank).

13 Any person who violates this subsection (b) is guilty of a  
14 Class 4 felony for the first offense and a Class 3 felony for  
15 each subsequent offense. The fine for the first offense shall  
16 be not more than \$100,000. The fine for each subsequent offense  
17 shall not be more than \$200,000.

18 (b-5) A health care practitioner with the intent to provide  
19 a controlled substance or combination of controlled substances  
20 that are not medically necessary to his or her patient or an  
21 amount of controlled substances that is not medically necessary  
22 for his or her patient, may not provide a controlled substance  
23 or a prescription for a controlled substance by  
24 misrepresentation, fraud, forgery, deception, subterfuge, or  
25 concealment of a material fact. For purposes of this subsection  
26 (b-5), a material fact includes whether the patient has an

1 existing prescription for a controlled substance issued for the  
2 same period of time by another practitioner or as described in  
3 paragraph (3.2) of subsection (b).

4 Any person or practitioner who violates the provisions of  
5 this subsection (b-5) is guilty of a Class 4 felony for the  
6 first offense and a Class 3 felony for each subsequent offense.  
7 The fine for the first offense shall be not more than \$100,000.  
8 The fine for each subsequent offense shall not be more than  
9 \$200,000.

10 (c) A person who knowingly or intentionally violates  
11 Section 316, 317, 318, or 319 is guilty of a Class A  
12 misdemeanor.

13 (Source: P.A. 99-480, eff. 9-9-15.)